



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
T. BIERBAUM)
Application No.: 10/003,293) Group Art Unit: 3732
Filing Date: December 6, 2001)
For: DENTAL INSTRUMENT WITH A DEVICE TOOL)
AND A TRANSMISSION DEVICE WITH)
MAGNETIC CLUTCH ELEMENTS) Examiner: M. N. BUMGARNER

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESTRICTION RESPONSE

In response to the Restriction Requirement of July 21, 2003, Applicant hereby elects with traverse the specie of Fig. 1, corresponding to claims 1, 3, 4, 10, 11, 12, 13, 14, 15 and 18.

Applicant respectfully asserts that contrary to the allegations in the Office Action, the embodiment of Fig. 3 is not a distinct specie, but is instead a component which operates with the handpiece of Fig. 1.

Moreover, contrary to the allegations in the Office Action, Applicant respectfully asserts that under the provisions of MPEP 806.04(d), claim 1 is generic in that it reads on each of the embodiments of Figs. 1-14 and includes no material element additional to those recited in the species claims. Accordingly, under the provisions of MPEP 806.04(d), with regard to the remaining species (i.e. Figs. 2, 7, 8a-e, 9a, b, 10a, b, and 11-13), Applicant respectfully requests allowance of the remaining non-elected claims 5-9, 16 and 17, upon allowance of generic independent claim 1.

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CONCLUSION

In view of the foregoing, Applicant respectfully requests timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 04-2223. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By:


Adesh Bhargava
Reg. No. 46,553

Dated: August 18, 2003

DYKEMA GOSSETT PLLC
1300 I Street, N.W., Suite 300 West
Washington, D.C. 20005
(202) 906-8696